

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

LEAH FLEISHER, next friend of J.F.,

Plaintiff,

v.

EMMETT, CHARTER TOWNSHIP OF, et
al.,

Defendants.

Hon Janet T. Neff.

Case No. 1:14-cv-01160

REPORT AND RECOMMENDATION

On August 27, 2015, in response to plaintiff's motion for appointed counsel (Dkt. 41) the court issued an order (Dkt. 46) denying the motion for appointed counsel and stating as follows:

Plaintiff is hereby advised that a non-attorney parent cannot represent a child. *Shepherd v. Wellman*, 313 F.3d 963, 970 (6th Cir. 2002), so Plaintiff will not be allowed to proceed pro se if and when she terminates her relationship with current counsel Mickey David Larson. Plaintiff is hereby given 28 days to secure substitute counsel. *See, Beard v. Hawkins*, 2015 WL 3915877 (E.D. Mich., June 25, 2015). The case is stayed for 28 days.

The stay of this matter has expired and no substitute counsel has appeared. In addition, according to the court's administrative order of September 22, 2015 (15-AD-64-2), attorney Mickey David Larson has been suspended from practice in this district. As such, he can no longer participate in this case.

The undersigned recommends that: 1) Mickey David Larson be removed as attorney of record for plaintiff in this case; 2) the pro se objections (Dkt. 43, Dkt. 44) filed by Leah Fleisher in response to the earlier report and recommendation (Dkt. 40) be stricken; and 3) this matter be dismissed pursuant to Fed. R. Civ. P. 41(b) and

W.D.Mich. L.Civ.R. 41.1 for want of prosecution and failure to comply with the rules and orders of this court. Timely objections to this Report and Recommendation shall be considered Plaintiff's final opportunity to show cause why this matter should not be dismissed.

Date: September 28, 2015

/s/ Ellen S. Carmody
ELLEN S. CARMODY
U.S. Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within 14 days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).